

Service Date: April 10,1989

FINAL ORDER NO. 5922

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION

In the Matter of the Application of)	
WESTERN TRANSPORT CRANE & RIGGING,)	DOCKET NO. T-9224
Missoula, Montana, for a Class C)	
Certificate of Public Convenience)	ORDER NO. 5922
and Necessity.)	

The Commission, having taken evidence and being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On March 24, 1988, Western Transport Crane & Rigging, P.O. Box 3507, Missoula, Montana 59806, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity to amend their current operating authority, PSC 2082 Sub G. That authority authorizes the following: Class C - Equipment, machinery, materials and supplies between all points and places in the State of Montana. Limitations: Transportation is limited to the accounts of 1) Modern Machinery Co., Inc. (Missoula, MT) and 2) Washington Construction Company (Missoula, Montana). Applicant proposed to delete the limitations. The

proposed authority would read as follows: Class C - Equipment, machinery, materials and supplies between all points and places in the State of Montana.

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public April 6, 1988. That notice said in pertinent part:

If no written protests are received by April 26, 1988, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. Protests were filed by Getter Trucking, Inc.; Bob Boyd Trucking, Inc.; W.R. Drinkwalter & Sons Trucking; Montana Carriers, Inc.; Shumaker Trucking & Excavating Contractors; H.F. Johnson, Inc.; Dixon Bros., Inc.; Northern Tank Line, Inc.; Hi-Ball Trucking, Inc.; and Americana Expressways, Inc.

4. Notice of Public Hearing was issued June 15, 1988, with the hearing scheduled for Thursday, July 7, 1988, in the Conference Room of the Commission Offices, Helena, Montana.

5. On July 1, 1988, Applicant requested that the hearing be continued.

6. Notice of Public Hearing again was issued September 13, 1988, with the hearing scheduled for Wednesday, October 12, 1988, in the Conference Room of the Commission Offices, Helena, Montana. Prior to that hearing date Applicant advised the Commission staff that the application would be amended as

follows: Class C - Equipment, machinery, materials and supplies between all points and places in the State of Montana. Limitations: (a) Transportation is limited to the accounts of Modern Machinery Co., Inc., (Missoula, MT); Washington Construction Company (Missoula, MT); Montana Resources, Inc.; (Butte, MT); Montana Rail Link, Inc. (Missoula, MT); Livingston Rebuild Center, Inc. (Livingston, MT); and Industrial Constructors Corp (Missoula MT). (b) Authorized commodities shall NOT include petroleum and petroleum products, acids, and chemicals in tank vehicles. The hearing was cancelled at the request of the Applicant.

7. All protests were subsequently withdrawn to the docket.

8. The record of this application is available for inspection. at the Public Service Commission Office, 2701 Prospect Avenue, Helena, Montana 59620-2601.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority as stipulated by the Applicant and Protestants.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 2701 Prospect Avenue, Helena, Montana, on the 10th day of April, 1989, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-9224, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of WESTERN TRANSPORT CRANE & RIGGING, Missoula, Montana, for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent: Class C - Equipment, machinery, materials and supplies between all points and places in the State of Montana. Limitations: (a) Transportation is limited to the accounts of Modern Machinery Co., Inc., (Missoula, MT); Washington Construction Company (Missoula, MT); Montana Resources, Inc.; (Butte, MT); Montana Rail Link, Inc. (Missoula, MT); Livingston Rebuild Center, Inc. (Livingston, MT); and Industrial Constructors Corp (Missoula MT). (b) Authorized commodities shall NOT include petroleum and petroleum products, acids, and chemicals in tank vehicles.

IT IS FURTHER ORDERED that Montana Intrastate Certificate of Public Convenience and Necessity, PSC 2082 (Sub G) be returned to the offices of the Commission for cancellation in lieu of this newly granted expanded authority.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by certified mail to the Applicant herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 10th day of April, 1989, by a vote of 5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

CLYDE JARVIS, Chairman

HOWARD L. ELLIS, Vice Chairman

JOHN B. DRISCOLL, Commissioner

DANNY OBERG, Commissioner

WALLACE W. "WALLY" MERCER, Commissioner

ATTEST:

Ann Purcell
Acting Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.